

### **REMARKS**

Claims 1-7, 9-19 and 21-24 remain pending in the application. Claims 1 and 13 have been amended herein. Favorable reconsideration of the application is respectfully requested.

#### ***I. ALLOWABLE SUBJECT MATTER***

Applicants again note with appreciation the indicated allowability of claims 10-12 and 22-24. These claims will be in condition for allowance upon being amended to independent form.

#### ***II. REJECTION OF CLAIMS UNDER 35 USC §103(a)***

Claims 1, 2, 4-7, 9, 13, 14, 16-19 and 21 remain rejected under 35 USC §103(a) based on *Tasaka et al.* in view of *Van Den Enden et al.* Claims 3 and 15 remain rejected under 35 USC §103(a) based on *Tasaka et al.* in view of *Van Den Enden et al.*, and further in view of *Nakajima et al.* Applicants respectfully request withdrawal of both of these rejections for at least the following reasons.

The Examiner maintains the rejection of claims 1-7, 9, 13-19 and 21 based primarily on *Tasaka et al.* in view of *Van Den Enden et al.* as applied in the previous Office Action. On page 3 of the present Office Action, the Examiner indicates that although applicants' motivation for using a random signal sequence is different from that taught in *Van Den Enden et al.*, the Examiner notes that the motivation for combining the references need not be the same as that proposed by the applicants. The Examiner submits that *Van Den Enden et al.* clearly teaches the benefit of using a random signal sequence to avoid damage to a recording layer due to repeat overwrites of the same location. Consequently, the Examiner concludes that it would have been obvious to combine the teachings of the references.

Applicants may agree with the Examiner that it is known to utilize a random sequence in order avoid damage to the recording medium by repeatedly overwriting the same locations on the medium. However, simply substituting an arbitrary random signal sequence in place of specific patterns in *Tasaka et al.* would not result in the present invention whereby a time interval is measured together with edge shift, and a parameter is changed based thereon as recited in claim 1. For example, page 44 of the application describes how the particular number of mark categories may be changed depending on whether a predetermined reproduction pattern or random pattern is utilized. The specification describes how it may be assumed that recording pulses already recorded on a disk are grouped into three categories: 2T, 3T, and 4T or more. When the trial recording does not satisfy a reference value, or when there is a large difference in the edge shift amount, random data may be utilized. (See Spec., page 44, lines 11-27).

In other words, simply changing the pattern of *Tasaka et al.* to be a random pattern as taught in *Van Den Enden et al.* would not lead one having ordinary skill in the art to know how to make use of such random signal sequence in order to change a parameter of the recording pulse based on the reproduction of such random signal.

For purposes of expediting favorable prosecution, applicants have amended claims 1 and 13 to further emphasize such distinction. In particular, claims 1 and 13 have been amended to recite how:

*wherein ... the reproduction signal is a signal obtained by reproducing an arbitrary random signal sequence, as a function of the edge shift amount.*

Thus, the present invention relates to obtaining the reproduction signal by reproducing an arbitrary random signal sequence as a function of the edge shift amount. Neither *Tasaka et al.* nor *Van Den Enden et al.* teach or render obvious obtaining the reproduction signal by reproducing an arbitrary random signal sequence as a function of the edge shift amount. To the extent the Examiner believes that it is

obvious to use the random recording of data to prevent the deterioration in the recording film due to the overwriting of that the same location as taught in Van Den Enden et al., claims 1 and 13 go beyond the simple use of random data. In the present invention, the arbitrary random signal sequence is utilized as a function of the edge shift amount. As a result, even if the teachings of *Tasaka et al.* and *Van Den Enden et al.* were to be combined as proposed by the Examiner, the claimed invention still would not result.

For at least the above reasons, applicants respectfully request withdrawal of the rejection of claims 1, 13, and the claims dependent therefrom.

### **III. CONCLUSION**

Accordingly, all claims 1-7, 9-19 and 21-24 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Mark D. Saralino/

Mark D. Saralino

Reg. No. 34,243

DATE: February 26, 2008

The Keith Building  
1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
(216) 621-1113